

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL LABOR RELATIONS BOARD,

Applicant,

vs.

MCDONALD'S USA, LLC

Respondent.

No. 1:16-mc-00321-P1

**DECLARATION OF WILLIS J. GOLDSMITH IN SUPPORT OF RESPONDENT'S
OPPOSITION TO NATIONAL LABOR RELATIONS BOARD'S MOTION FOR AN
ORDER TO COMPEL PRODUCTION OF DOCUMENTS REQUIRED BY
ADMINISTRATIVE SUBPOENA *DUCES TECUM***

1. I, Willis J. Goldsmith, declare pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

2. I am a member of the law firm Jones Day, counsel for Respondent McDonald's USA, LLC ("McDonald's") in the above-captioned matter, and I submit this Declaration in support of McDonald's Opposition to the National Labor Relations Board's Motion for an Order to Compel Production of Documents Required by Administrative Subpoena *Duces Tecum*.

3. Attached as Exhibit 1 is a true and correct copy of Special Master Jeffrey D. Wedekind's June 28, 2016 Order.

4. Attached as Exhibit 2 is a true and correct copy of the General Counsel's April 26, 2016 Motion Seeking Production of Privileged Documents.

5. Attached as Exhibit 3 is a true and correct copy of the Consolidated Complaint in the underlying administrative hearing (McDonald's USA, LLC, Cases 02-CA-093893, et al.).

6. Attached as Exhibit 4 is a true and correct copy of Administrative Law Judge Esposito's April 15, 2015 Order Granting Hart Research Associates' Petition to Revoke McDonald's USA, LLC's Subpoenas *Duces Tecum*.

7. Attached as Exhibit 5 is a true and correct copy of Administrative Law Judge Esposito's April 9, 2015 Order Granting and Denying in Part the Petitions to Revoke McDonald's USA, LLC's Subpoenas *Duces Tecum* Served Upon the Charging Parties and Kendall Fells.

8. Attached as Exhibit 6 is a true and correct copy of Administrative Law Judge Esposito's April 9, 2015 Order Granting the Petitions to Revoke McDonald's USA, LLC's Subpoenas *Duces Tecum* Served Upon Mintz Group, LLC, LR Hodges & Associates, LTd., Berlin Rosen, Ltd., and New York Communities for Change, Inc.

9. Attached as Exhibit 7 is a true and correct copy of McDonald's USA, LLC's October 26, 2015 Opposition to the General Counsel's Application for an Order Requiring Obedience to Administrative Subpoena.

10. Attached as Exhibit 8 is a true and correct copy of the October 30, 2015 Hearing Transcript in *NLRB v. McDonald's USA, LLC*, Case No. 15-mc-322 (CM).

11. Attached as Exhibit 9 is a true and correct copy of the January 8, 2016 letter from Jon Linas to Jamie Rucker.

12. Attached as Exhibit 10 is a true and correct copy of Administrative Law Judge Esposito's January 4, 2016 Order Denying General Counsel's Motion for an Order Finding Waiver of Privilege.

13. Attached as Exhibit 11 is a true and correct copy of McDonald's USA, LLC's January 21, 2016 Privilege Log.

14. Attached as Exhibit 12 is a true and correct copy of the January 25, 2016 letter from Willis Goldsmith to Jamie Rucker.

15. Attached as Exhibit 13 is a true and correct copy of the February 10, 2016 letter from Jamie Rucker to Willis Goldsmith.

16. Attached as Exhibit 14 is a true and correct copy of the February 15, 2016 letter from Jon Linas to Jamie Rucker, enclosing McDonald's USA, LLC's February 15, 2016 Privilege Log.

17. Attached as Exhibit 15 is a true and correct copy of McDonald's USA, LLC's February 15, 2016 Privilege Log.

18. Attached as Exhibit 16 is a true and correct copy of the March 25, 2016 letter from Jon Linas to Jamie Rucker.

19. Attached as Exhibit 17 is a true and correct copy of the March 31, 2016 letter from Jamie Rucker to Willis Goldsmith.

20. Attached as Exhibit 18 is a true and correct copy of McDonald's USA, LLC's May 16, 2016 Privilege Log.

21. Attached as Exhibit 19 is a true and correct copy of the August 8, 2016 letter from Willis Goldsmith to Jamie Rucker.

22. Attached as Exhibit 20 is a copy of excerpts from McDonald's February 15, 2016 Privilege Log, attached as Exhibit 15, compiled for the convenience of the Court.

23. Attached as Exhibit 21 is a true and correct copy of McDonald's USA, LLC's August 8, 2016 Privilege Log.

Executed this 29th day of September, 2016.

/s/ Willis J. Goldsmith

WILLIS J. GOLDSMITH